

**BOARDS AND COMMISSIONS**  
**Board of Nursing**  
**(Repealer)**

**201 KAR 20:471. Repeal of 201 KAR 20:470.**

RELATES TO: KRS 314.137

STATUTORY AUTHORITY: KRS 314.131(1), 314.137

NECESSITY, FUNCTION AND CONFORMITY: KRS 314.137 requires the board to promulgate administrative regulations to regulate dialysis technicians. This administrative regulation repeals 201 KAR 20:470 in conjunction with the promulgation of four new regulation covering the same subject matter as 201 KAR 20:470; namely, 201 KAR 20:472, 201 KAR 20:474, 201 KAR 20:476, and 201 KAR 20:478.

Section 1. 201 KAR 20:470, Dialysis technician credentialing requirements and training program standards, is hereby repealed.

JESSICA WILSON, President

APPROVED BY AGENCY: April 15, 2021

FILED WITH LRC: May 18, 2021 at 1:10 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, August 23, 2021 at 10:00 a.m. (EDT) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until end of day (11:59 p.m., EDT) Tuesday, August 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Morgan Ransdell, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-3339, email Morgan.Ransdell@ky.gov.

**REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

Contact Person: Morgan Ransdell

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals 201 KAR 20:470, in conjunction with the promulgation of 201 KAR 20:472, 201 KAR 20:474, 201 KAR 20:476, and 201 KAR 20:478.

(b) The necessity of this administrative regulation: The repeal of 201 KAR 20:470 is necessary in conjunction with the promulgation for four new regulations that address the same subjects as 201 KAR 20:470.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The authorizing statute, KRS 314.137, allows for the promulgation of regulations on the estab-

lishment of: (1) education requirements for credentialing as a dialysis technician ("DT"); (2) standards for DT training programs; (3) credentialing requirements for DTs; (4) provisions for discipline of DTs; (5) fees for DTs, including initial credentialing, renewal of credentials, reinstatement of credentials; and (6) further necessary regulations related to DTs. The repeal of 201 KAR 20:470, in conjunction with the promulgation of four new regulations on the same subjects, is consistent with the authorizing statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of 201 KAR 20:470, in conjunction with the promulgation of four new regulations that address the same subjects, complies with KRS 13A.221 by addressing separate topics related to DTs in four separate administrative regulations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The changes at issue arise from the promulgation of 201 KAR 20:472, 201 KAR 20:474, 201 KAR 20:476, and 201 KAR 20:478. The changes implemented through each of the four new regulations are separately addressed in the regulatory impact analysis provided with 201 KAR 20:472, 201 KAR 20:474, 201 KAR 20:476, and 201 KAR 20:478.

(b) The necessity of the amendment to this administrative regulation: It is necessary to repeal 201 KAR 20:470, in light of the promulgation of four new regulations on the same subjects. The necessity of the changes implemented through promulgation of 201 KAR 20:472, 201 KAR 20:474, 201 KAR 20:476, and 201 KAR 20:478, are set forth in the regulatory impact analysis provided with those regulations.

(c) How the amendment conforms to the content of the authorizing statutes: The repeal of 201 KAR 20:470, in conjunction with the promulgation of four new regulations that address the same subjects, complies with KRS 13A.221 by addressing separate topics related to dialysis technicians in four separate administrative regulations.

(d) How the amendment will assist in the effective administration of the statutes: The repeal of 201 KAR 20:470 and the simultaneous promulgation of 201 KAR 20:472, 201 KAR 20:474, 201 KAR 20:476, and 201 KAR 20:478, will assist in the effective administration of KRS 314.021, KRS 314.131(1) and KRS 314.137(2) by establishing appropriate standards for DTs and DT training programs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of April 8, 2021, there were 712 dialysis technicians with a current and active Kentucky DT credential. There are currently seven DT training programs that are located and licensed in Kentucky. All of these credential holders and training programs will be affected by the repeal of 201 KAR 20:470, and the promulgation of 201 KAR 20:472, 201 KAR 20:474, 201 KAR 20:476, and 201 KAR 20:478.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The repeal of 201 KAR 20:470 will not necessitate any actions by regulated persons or entities described above. DTs will begin renewing their credential annually pursuant to the adoption of an annual renewal cycle in 201 KAR 20:476. DT training programs, and renal dialysis organizations in Kentucky will need to evaluate their policies and programmatic activities in light of 201 KAR 20:472 and 201 KAR 20:474.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The repeal of 201 KAR 20:470 will not result in

any cost for the regulated persons or entities. The costs associated with 201 KAR 20:472, 201 KAR 20:474, 201 KAR 20:476, and 201 KAR 20:478 are addressed in the regulatory impact analysis provided with those regulations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The repeal of 201 KAR 20:470 will not impose compliance obligations upon the regulated persons or entities. Compliance with 201 KAR 20:472, 201 KAR 20:474, 201 KAR 20:476, and 201 KAR 20:478 will allow for the lawful provision of dialysis care and the ongoing training of dialysis technician trainees.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no cost associated with the repeal of 201 KAR 20:470.

(b) On a continuing basis: There is no cost associated with the repeal of 201 KAR 20:470.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no cost associated with the repeal of 201 KAR 20:470.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no cost associated with the repeal of 201 KAR 20:470.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The repeal of 201 KAR 20:470, in conjunction with the promulgation of 201 KAR 20:472 and 201 KAR 20:474, will increase fees for dialysis technician training programs as follows: initial approval application fee, currently \$950, will be increased to \$2,000; renewal application fee, currently \$800, will be increased to \$1,000; and reinstatement application fee, currently \$950, will be increased to \$1,000. Individual DTs currently pay \$70 for a two-year renewal; however, 201 KAR 20:476 reduces the renewal cycle to a one-year cycle. In light of this change, the renewal application fee has been reduced to \$35; therefore, the annual cost for a renewing DT remains unchanged at \$35/year.

(9) TIERING: Is tiering applied? Tiering was not applied to the repeal of 201 KAR 20:470.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.131 and KRS 314.137.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The repeal of 201 KAR 20:470 will not measurably alter the expenditures or revenues of the Kentucky Board of Nursing. In FY2020, KBN revenues from receipts associated with the DT program were \$15,106. For FY2021, revenues from receipts associated with the program are \$7,973 to date. The bulk of these receipts are attributable to DT renewal fees. These fees are not consistent year to year, in light of the two-year DT renewal cycle.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The repeal of 201 KAR 20:470 will not measurably alter the expenditures or revenues of the Kentucky Board of Nursing.

(c) How much will it cost to administer this program for the first year? The agency expended \$26,446.02 for the DT program in FY2020. The FY2021 budget for the DT program is \$26,600, and \$25,331.69 has been expended associated with the DT program to date in the current fiscal year. Board staff anticipates a similar level of expenditure in FY2022.

(d) How much will it cost to administer this program for subsequent years? Board staff anticipates that DT program expenditures will rise from a baseline cost of \$26,600 in future years, as personnel costs rise; however, the precise impact of possible personnel cost increases have not been determined.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The repeal of 201 KAR 20:470 will not measurably alter the expenditures or revenues of the Kentucky Board of Nursing.